

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Rigdon Lentz

Serial No: 09/699,003

Art Unit: 3761

Filed: October 26, 2000

Examiner: Patricia M. Bianco

For: *Method and Compositions for Treatment of Cancers*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A CO-PENDING APPLICATION

Sir:

Petitioner, Biopheresis Technologies, Inc. is the owner of the entire interest in the above-identified application and U.S. Patent Application No. 11/153,524 filed on June 14, 2005, as evidenced by the accompanying two (2) Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of pending U.S. Patent Application No. 11/153,524 filed on June 14, 2005, or any continuations thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, and any patent granted on pending U.S. Patent Application No. 11/153,524 are commonly owned. This

agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any patent granted on pending U.S. Patent Application No. No. 11/153,524 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Biophoresis Technologies, Inc.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BIOPHERESIS TECHNOLOGIES, INC.

By: 

Name: Patrea L. Pabst; Registration No. 31,284

Title: Attorney of Record

Date: September 15, 2006